

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

20 Cr. 661 (CM)

6 AMIR ELMANNI,

7 Defendant.

Conference

8 -----x
9 New York, N.Y.
10 September 28, 2022
11 2:15 p.m.

12 Before:

13 HON. COLLEEN McMAHON,

14 District Judge

15 APPEARANCES

16 DAMIAN WILLIAMS
17 United States Attorney for the
18 Southern District of New York
19 BY: MARGARET S. GRAHAM
20 DREW SKINNER
21 Assistant United States Attorneys

22 SPODEK LAW GROUP PC
23 Attorneys for Defendant
24 BY: TODD A. SPODEK

25 Also Present:
26 Joaquin Sequeira, IRS Special Agent
27 Chris Youn, FBI Special Agent

1 (Case called)

2 THE COURT: Appearances, please.

3 MS. GRAHAM: Good afternoon, your Honor. AUSAs
4 Margaret Graham and Drew Skinner for the government, joined at
5 counsel table by IRS Special Agent Joaquin Sequeira and FBI
6 Special Agent Chris Youn.

7 THE COURT: Hi, everybody.

8 MR. SPODEK: Good afternoon, your Honor. Todd Spodek.
9 And to my left is Mr. Elmanni.

10 THE COURT: Okay. Let's have a seat, and let's have a
11 chat.

12 What is going on, folks? What is going on? Why can I
13 not move this case?

14 MS. GRAHAM: Yes, your Honor. We were last before
15 your Honor on January 27, 2022. Since then, we set a date for
16 pretrial motions. None were filed.

17 At this point, what we'd like to do -- and we've
18 spoken with defense counsel about this prior to the conference.
19 We're in agreement. We would ask that your Honor set a trial
20 date for anywhere in the March to September of 2023 range. We
21 estimate the government's case in chief would take
22 approximately two weeks.

23 THE COURT: Two weeks?

24 MS. GRAHAM: It's a conservative estimate, your Honor.
25 We feel that it's always best in a one- to two-week case to

1 reserve two weeks just in case.

2 THE COURT: I feel it's always best to go low.

3 MS. GRAHAM: Yes, your Honor.

4 THE COURT: Okay. Is that what's acceptable at the
5 back table?

6 MR. SPODEK: Yes, Judge. I've spoken with counsel,
7 and we're amenable to that schedule as well.

8 THE COURT: Hang on a second because I don't have a
9 2023 calendar unfortunately.

10 (Pause)

11 THE COURT: March 6 we have a two-week trial. We need
12 to figure out religious holidays.

13 Why don't we say that we will do this trial on the
14 17th of April.

15 MR. SPODEK: That's fine for the defense, Judge.

16 MS. GRAHAM: One moment, your Honor.

17 (Discussion off the record)

18 MS. GRAHAM: That's fine for the government, your
19 Honor. Thank you.

20 THE COURT: That's your trial date, April 17. I
21 assume, because this is an application that is made by both
22 parties on consent, there is consent to the exclusion of time
23 until April 17?

24 MR. SPODEK: Yes, your Honor.

25 THE COURT: Thank you. Then time excluded until

1 April 17.

2 So let's move backward. Now that I have this lovely
3 calendar to look at, we will have a final pretrial conference
4 in this matter on Wednesday, April 5 at 10:00, 10:00 a.m. on
5 Wednesday, April 5.

6 So the government has to make 404(b) disclosure and
7 file motions in limine by March 3. Defense motions in limine
8 are due March 10. Response to the government's motion in
9 limine and response to the defense motion by March 24. I don't
10 take replies on motions in limine. I will expect to have 3500
11 material and *Giglio* disclosed no later than March 24. And I
12 think that moves us back far enough.

13 MS. GRAHAM: Yes, your Honor. Thank you. Nothing
14 further from the government.

15 MR. SPODEK: Thank you, Judge. Nothing further.

16 THE COURT: All right. I'm glad we were able to do
17 that. So I will see you on the 5th of April.

18 MR. SPODEK: Thank you, Judge.

19 THE COURT: Thank you.

20 (Adjourned)

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